

**Notice of Allowability**

Application No.

10/626,936

Examiner

Lars A Olson

Applicant(s)

PACKEBUSH, DARIN R.

Art Unit

3617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on July 26, 2004.
2. ☒ The allowed claim(s) is/are 1-17 and 19-33.
3. ☒ The drawings filed on 25 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. On line 17 of Claim 1, the phrase "the gasket" has been deleted and replaced with the phrase "of the gasket".
3. On line 2 of Claim 19, the phrase "a inner wall" has been deleted and replaced with the phrase "an inner wall".
4. An amendment was received from the applicant on July 26, 2004.
5. Claim 18 has been canceled.

### **Reasons for Allowance**

6. Claims 1-17 and 19-33 are allowed.
7. The following is an examiner's statement of reasons for allowance. The access opening seal for an access opening as claimed is not shown or suggested in the prior art because of the use of an access opening seal in combination with a structure having an inner wall and an outer wall, and an access opening having an exposed edge and a lip, said access opening seal being comprised of an annular gasket that is configured to conform to the shape of said access opening, said annular gasket having a top portion

and a side portion, and being configured to form a watertight seal when a storage compartment having a flange is disposed in said access opening with said flange resting on said gasket, so that when said access opening seal is affixed to said access opening, said top portion of said annular gasket is positioned around and attached to said lip of said access opening, with an interior surface of said top portion abutting said outer wall of said structure, and said side portion positioned along and covering said exposed edge of said access opening.

8. The prior art as disclosed by Bartels (US 4,311,317) shows the use of an access opening seal that is comprised of an annular gasket with an L-shaped cross-section that is configured to conform to the shape of an access opening, where said gasket has a top portion, an arced side portion, an exterior surface and an interior surface. Burian et al. (US 5,678,827) discloses an annular gasket for an access opening, where said gasket has a J-shaped cross-section, a top portion, a bottom portion, and a side portion that connects said top portion with said bottom portion, as well as an attachment means in the form of a mechanical fastener or an adhesive. Yamada et al. (US 6,276,290) discloses a jet propelled watercraft that is comprised of a hull, a top deck, an engine compartment, a steerable water discharge nozzle, a raised straddle seat, at least one access opening with a lip and an exposed edge, an access opening cover, and an access opening seal that is affixed to said access opening, and is in the form of an annular gasket. Jones (US 5,256,092) discloses a sealing gasket for a watercraft access opening, where said gasket has a top portion that is connected to a bottom portion by an arced side portion to form a U-shaped cross-section, and said gasket is

attachable to a lip of an access opening. Kato et al. (US 5,135,239) discloses a seal member with a top portion that is connected to an arced side portion and a bottom portion, and an attachment means in the form of a mechanical fastener. And newly cited reference by Nagata et al. (US 6,722,301) discloses an article storage structure for a personal watercraft, said structure including an access opening lid and a seal member. However, none of the prior art cited shows or suggests the use of an access opening seal in combination with a structure having an inner wall and an outer wall, and an access opening having an exposed edge and a lip, said access opening seal being comprised of an annular gasket that is configured to conform to the shape of said access opening, said annular gasket having a top portion and a side portion, and being configured to form a watertight seal when a storage compartment having a flange is disposed in said access opening with said flange resting on said gasket, so that when said access opening seal is affixed to said access opening, said top portion of said annular gasket is positioned around and attached to said lip of said access opening, with an interior surface of said top portion abutting said outer wall of said structure, and said side portion positioned along and covering said exposed edge of said access opening.

### ***Conclusion***

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 3617

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

August 9, 2004

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*  
8/9/04